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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,708	05/19/2006	Christoph Becke	2003P01779WOUS	9606
46726 7590 02/14/2008 BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562			EXAMINER MEHMOOD, JENNIFER	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 02/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/579,708		BECKE ET AL.	
	Examiner		Art Unit	
	Jennifer A. Mehmood		2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-21 and 23-33 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-17, 25-29, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Choi (US 6,408,634).

For claim 14, Choi discloses an electric appliance: comprising: a plurality of operating elements, each operating element actuatable by a user in an actuatable state and not actuatable by the user in a non-actuatable state (Fig. 4, items 410, 420, 412, 414, 416, and 418), each operating element including a respective status display device (col 4, lns 30-37; Fig. 1, item 105; Fig. 4, items 402 and 404); and a control logic unit coupled to the operating elements (Fig. 3, item 306), the control logic unit configured to detect a user input change, an operating state of the electrical appliance according to the user input (col 4, lns 36-50), and activate the status display device of each operating element that is in an actuatable state and deactivate the status display device of each operating element that is in a non-actuatable state in response to a change in the electrical appliance from a first operating state to a second operating state (col 4, lns 51-63). The actuatable state is interpreted as a blinking red indicator light for a user to set a desired temperature. The non-actuatable state is interpreted as either no light to indicate a particular compartment is not turned on or no blinking red light to indicate that a user cannot program the desired temperature.

For claim 15, Choi discloses each status display device is a light source (col 4, Ins 30-36 and 55-60).

For claim 16, Choi discloses a housing, the housing including a surface, wherein the operating elements are arranged on the surface (col 4, Ins 30-38; Fig. 4).

For claim 17, Choi discloses a status display device is in an illuminated state when a respective operating element is in the actuable state and the status display device is in a non-illuminated state when the respective operating element is in the non-actuable state (col 4, Ins 51-63).

For claim 25, Choi discloses the electric appliance includes a refrigerating appliance (col 1, Ins 7-10).

For claim 26, Choi discloses a refrigerator comprising: a housing having an interior chamber; a door coupled to the housing for opening and closing the interior chamber; a control panel, the control panel including a display window for displaying information and a plurality of buttons for receiving input from a user; each button including a respective light source and a respective proximity sensor, the proximity sensor configured to detect contact of the button by the user; each respective light source being in an illuminated state when the button is actuable by the user and in a non-illuminated state when the button is not actuable by the user; and a control logic unit electrically connected to the control panel, the control logic unit configured to control operation of the refrigerator, receive input signals from the buttons, send output signals to control the display window and light sources, adjust an operating state of the refrigerator in response to a user input, and activate the light source of at least a first

button into the illuminated state and deactivate the light source of at least a second button into the non-illuminated state in response to the user input.

For claim 27, Choi discloses the housing includes: a freezer compartment including the first button, wherein the first button is for controlling the freezer compartment (Fig. 4, items 404, 412; Fig. 1, item 102); and a refrigerating compartment, including the second button, wherein the second button is for controlling the refrigerating compartment (Fig. 1, item 104, Fig. 4, item 410).

For claim 28, Choi discloses the buttons include a select button for selecting an operating feature (Fig. 4, item 414), an increment button (Fig. 4, item 416) for increasing the selected operating feature and a decrement button (Fig. 4, item 418) for decreasing the selected operating feature (col 4, lns 55-63).

For claim 29, Choi discloses the display window is configured to display a list of operating features and allow the user to scroll through the list of operating features (col 5, lns 45-54)

For claim 32, Choi discloses an electric appliance, comprising: a plurality of operating elements in a user interface (col 4, lns 18-23; Fig. 4, item 306); an actuability indicator for each of the plurality of operating elements (col 4, lns 25-50); and a controller that controls each of the actuability indicators such that the actuability indicators indicate the actuability of a corresponding operating element (col 4, lns 51-63; Fig. 4, items 410, 420, 412, 414, 416, and 418).

For claim 33, Choi discloses the actuability indicators comprise a light source (col 4, lns 55-59).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US 6,408,634) and further in view of Yin et al. (US 2003/0202337).

Choi discloses a non-illuminated operating element (when a particular compartment is not turned on - col 4, lns 55-596), but does not disclose that the element has a color similar to the color of the surface of the surrounding housing. However, Yin discloses a non-illuminated operating element that has a color similar to the color of the surface of the surrounding housing (Fig. 6, items 134, 144; parag 0035). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to have a non-illuminated operating element that has a color similar to the color of the surface of the surrounding housing so that the non-illuminated operating element is camouflaged.

5. Claims 23, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US 6,408,634) and further in view of Hiroaka et al. (US 6,405,544).

For claim 23, Choi does not disclose an acoustic signal transmitter, however, Hiraoka discloses an acoustic signal transmitter that delivers an audible signal when an actuation of an operating element has been detected (col 11, lns 59-65). It would have

been obvious to include an audible signal when an actuation of an operating element has been detected so that a vision impaired individual acknowledges a state change of an operating element.

For claim 24, Choi discloses a digital display, but does not specifically disclose that the display is alphanumeric. Hiraoka, on the other hand, discloses the operating elements are combined with an alphanumeric display in an assembly (Fig. 3, item 7a). It would have been obvious to include an alphanumeric display a user takes appropriate action in a timely manner based on an alphanumeric message.

For claim 30, Choi discloses a luminescent screen (col 4, Ins 30-36), but does not disclose an LCD. Hiraoki, on the other hand, discloses a LCD display (col 8, Ins 56-58). It would have been obvious to include a LCD display in order to produce a highly visible and efficient display so that a user clearly sees and understands messages through the display window.

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US 6,408,634), and further in view of Burnett (US 6,295,004).

Hiraoka does not disclose a door sensor; however, Burnett discloses a door sensor switch for sensing if the door is open and connected to the control logic unit (col 1, Ins 5-10; col 2, Ins 1-15). It would have been obvious to disclose a door open sensor switch in order to warn an individual about the door status in order to avoid injury.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US 6,405,544) and further in view of Moseley et al. (US 5,099,193).

Choi discloses a proximity sensor operating element (col 4, Ins 39-50), but does not disclose the operating element as being a capacitive proximity sensor. However, Moseley discloses a capacitive proximity sensor (col 4, Ins 60-65). It would have been obvious to disclose a capacitive proximity switch so that a minimal amount of force will operate the switch.

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US 6,408,634) and further in view of Takayanagi (US 6,970,726).

For claim 19, Choi discloses the control logic unit is furthermore set up to switch over each status display device that is in the illuminated state into the non-illuminated state, but Choi does not disclose detecting a pre-determined time interval elapse. However, Takayanagi discloses a pre-determined time interval elapse after detecting the last actuation of a user input (col 2, Ins 24-32). It would have been obvious to switch over all illuminated status displays into a non-illuminated state with a pre-determined delay after detecting the last actuation of an operating element to minimize power consumption.

For claim 20, Choi discloses the control logic unit is further configured to maintain in the non-illuminated state the status display devices for the operating elements that are in the non-actuatable state (red light not illuminated when compartment is turned off – col 4, Ins 55-57), if the user attempts to actuate an operating element in the non-actuatable state (desired temperature cannot be entered since light is neither illuminated red nor blinking red – col 4, Ins 59-61).

Allowable Subject Matter

9. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 14, 26, 18, 21, 29, and 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Mehmood whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Daniel Wu, can be reached at (571) 272.2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer A. Mehmood
February 5, 2007


BENJAMIN C. LEE
PRIMARY EXAMINER